

**2003 DRAFTING REQUEST****Bill**Received: **06/25/2003**Received By: **rkite**Wanted: **As time permits**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**By/Representing: **Christian**This file may be shown to any legislator: **NO**Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Krusick@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Pawnbrokers and secondhand article and jewelry dealers

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 07/02/2003						S&L
/1	rkite 07/18/2003	csicilia 08/22/2003	chaskett 08/22/2003		sbasford 08/22/2003		S&L
/2	rkite	csicilia	pgreensl		mbarman		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/15/2003	10/15/2003	10/16/2003	_____	10/16/2003		
/3	rkite 12/10/2003	csicilia 12/11/2003	rschluet 12/11/2003	_____	sbasford 12/11/2003		S&L
/4	rkite 01/09/2004	csicilia 01/19/2004	rschluet 01/20/2004	_____	lemery 01/20/2004	lemery 01/21/2004	S&L

FE Sent For:

At intro

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	12/10/2003	12/11/2003	12/11/2003	_____	12/11/2003		
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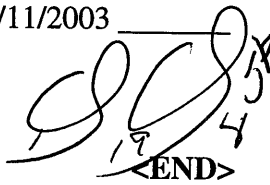
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FE Sent For:

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## Facsimile Transmittal

GREENFIELD POLICE DEPARTMENT  
5300 W LAYTON AVENUE  
GREENFIELD WI 53220  
(414) 761-5300  
FAX # (414) 761-5323

TIME SYSTEM HEADER - GFPD  
ORI: WI0410800

To: CHRISTIAN

Fax: (608) 282-3607

From: DET. SGT. PAUL SCHLECHT

Date: 3-31-03

Re: SUGGESTED CHANGES TO SS 134.71

Pages: 5 INCLUDING COVER

COMMENTS:

I Hope This Helps!

IF you HAVE Any Questions Feel Free  
TO CONTACT ME

(414) 761-5345

**FRANCIS C. SPRINGOB**

Chief of Police

If complete document is not received, please call (414) 761-5300

WARNING: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

Greenfield Police Department  
"Pledged to Progress"

**Confidential**

## Kite, Robin

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**From:** Moran, Christian  
**Sent:** Monday, June 23, 2003 10:34 AM  
**To:** Gibson-Glass, Mary; Kite, Robin  
**Subject:** Bill Drafting Request

Mary & Robin,

Please draft a bill that makes the revisions to Statute 134.71 shown on the attached document.

Just call with any questions.

Thanks.

Christian  
Peggy Krusick's office  
6-1733



0ED85000.tif

**134.71 Pawnbrokers and secondhand article and jewelry dealers. (1) DEFINITIONS. In this section:**

(a) "Article" means any of the following articles except jewelry:

1. Audiovisual equipment.
2. Bicycles.
3. China.
4. Computers, printers, software and computer supplies.
5. Computer toys and games.
6. Crystal.
7. Electronic equipment.
8. Fur coats and other fur clothing.
9. Ammunition and knives.
10. Microwave ovens.
11. Office equipment.
12. Pianos, organs, guitars and other musical instruments.
13. Silverware and flatware.
14. Small electrical appliances.
15. Telephones.

16. Prerecorded video and audio tapes, disks or optical media. → ADD

(ag) "Auctioneer" means an individual who is registered as an auctioneer under ch. 480 and who sells secondhand articles or secondhand jewelry at an auction, as defined in s. 480.01 (1).

(am) "Charitable organization" means a corporation, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(b) "Customer" means a person with whom a pawnbroker, secondhand article dealer or secondhand jewelry dealer or an agent thereof engages in a transaction of purchase, sale, receipt or exchange of any secondhand article or secondhand jewelry.

(c) "Jewelry" means any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious.

(d) "Municipality" means a city, village or town.

(e) "Pawnbroker" means any person who engages in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.

(f) "Secondhand" means owned by any person, except a wholesaler, retailer or secondhand article dealer or secondhand jewelry dealer licensed under this section, immediately before the transaction at hand.

(g) "Secondhand article dealer" means any person, other than an auctioneer, who primarily engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.
  2. Any transaction entered into by a person while engaged in a business for which the person is licensed under sub. (2) or (4) or while engaged in the business of junk collector, junk dealer or scrap processor as described in s. 70.995 (2)(x).
  3. Any transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.
  4. Any transaction between a buyer of a new article and the person who sold the article when new which involves any of the following:
    - a. The return of the article.
    - b. The exchange of the article for a different, new article.
  5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
  6. Any transaction as a seller of a secondhand article which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.
- (h) "Secondhand jewelry dealer" means any person, other than an auctioneer, who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, except for the following:
1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.
  2. Any transaction with a licensed secondhand jewelry dealer.
  3. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public.
  4. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves any of the following:
    - a. The return of the jewelry.

b. The exchange of the jewelry for different, new jewelry.

5. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

6. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

(2) LICENSE FOR PAWNBROKER. No person may operate as a pawnbroker unless the person first obtains a pawnbroker's license under this section. A license issued to a pawnbroker by the governing body of a municipality authorizes the licensee to operate as a pawnbroker in that municipality.

(3) LICENSE FOR SECONDHAND ARTICLE DEALER. (a) Except as provided in par. (b), no person may operate as a secondhand article dealer unless the person first obtains a secondhand article dealer's license under this section. A license issued to a secondhand article dealer authorizes the licensee to operate as a secondhand article dealer anywhere in the state.

(b) A person who operates as a secondhand article dealer only on premises or land owned by a person having a secondhand dealer mall or flea market license under sub. (9) need not obtain a secondhand article dealer's license.

(4) LICENSE FOR SECONDHAND JEWELRY DEALER. No person may operate as a secondhand jewelry dealer unless the person first obtains a secondhand jewelry dealer's license under this section. A license issued to a secondhand jewelry dealer authorizes the licensee to operate as a secondhand jewelry dealer anywhere in the state.

(5) LICENSE APPLICATION. A person wishing to operate as a secondhand article dealer or a secondhand jewelry dealer and have a principal place of business in a municipality shall apply for a license to the clerk of that municipality. A person wishing to operate as a pawnbroker in a municipality shall apply for a license to the clerk of the municipality. The clerk shall furnish application forms under sub. (12) that shall require all of the following:

(a) The applicant's name, place and date of birth and residence address and all previous states where the applicant has resided \* 100

(b) The names and addresses of the business and of the owner of the business premises.

(c) A statement as to whether the applicant has been convicted ~~within the preceding 10 years~~ <sup>REMOVE</sup> of a felony or ~~within the preceding 5 years~~ <sup>REMOVE</sup> of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.

(d) Whether the applicant is a natural person, corporation, limited liability company or partnership, and:

1. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.

2. If the applicant is a partnership, the names and addresses of all partners.

2L. If the applicant is a limited liability company, the names and addresses of all members.

(e) The name of the manager or proprietor of the business.

(f) Any other information that the county or municipal clerk may reasonably require.

(6) INVESTIGATION OF LICENSE APPLICANT. The law enforcement agency of the county or municipality shall investigate each applicant for a pawnbroker's, secondhand article dealer's or secondhand jewelry dealer's license to determine whether the applicant has been convicted ~~within the preceding 10 years~~ <sup>REMOVE</sup> of a felony or ~~within the preceding 5 years~~ <sup>REMOVE</sup> of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation described under sub. (5) (c) and, if so, the nature and date of the offense and the penalty assessed. The law enforcement agency shall furnish the information derived from that investigation in writing to the clerk of the municipality or county.

(7) LICENSE ISSUANCE. (a) The governing body of the county or municipality ~~shall~~ <sup>\* REMOVE SHALL ADD MAY</sup> grant the license if all of the following apply:

1. The applicant, including an individual, a partner, a member of a limited liability company or an officer, director or agent of any corporate applicant, has not been convicted ~~within the preceding 10 years~~ <sup>REMOVE</sup> of a felony or ~~within the preceding 5 years~~ <sup>REMOVE</sup> of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

2. With respect to an applicant for a pawnbroker's license, the applicant provides to the governing body a bond of \$500, with not less than 2 sureties, for the observation of all municipal ordinances relating to pawnbrokers.

(b) No license issued under this subsection may be transferred.

(c) 1. Each license for a pawnbroker, secondhand article dealer or secondhand jewelry dealer is valid from January 1 until the following December 31.

2. Each license for a secondhand article dealer mall or flea market is valid for 2 years, from May 1 of an odd-numbered year until April 30 of the next odd-numbered year.

(8) PAWNBROKER AND DEALER REQUIREMENTS. (a) Identification. No pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to present one of the following types of identification:

1. A county identification card.

2. A state identification card.
3. A valid Wisconsin motor vehicle operator's license.
4. A valid motor vehicle operator's license, containing a picture, issued by another state.
5. A military identification card.
6. A valid passport.
7. An alien registration card.
8. A senior citizen's identification card containing a photograph.
9. Any identification document issued by a state or federal government, whether or not containing a picture, if the pawnbroker, secondhand article dealer or secondhand jewelry dealer obtains a clear imprint of the customer's right index finger.

(b) *Transactions with minors.*

1. Except as provided in subd.

2., no pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from any minor.

2. A pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction described under subd.

1. if the minor is accompanied by his or her parent or guardian at the time of the transaction or if the minor provides the pawnbroker, secondhand article dealer or secondhand jewelry dealer with the parent's or guardian's written consent to engage in the particular transaction.

(c) *Records.* 1. Except as provided in subd. 2., for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to complete and sign, in ink, the appropriate form provided under sub. (12). No entry on such a form may be erased, mutilated or changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one year after the date of the transaction except as provided in par. (e), and during that period shall make the duplicate available to any law enforcement officer for inspection at any reasonable time the business is open to the public and at any other reasonable time. — ADD

2. For every secondhand article purchased, received or exchanged by a secondhand article dealer from a customer off the secondhand article dealer's premises or consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, the secondhand article dealer shall keep a written inventory. In this inventory the secondhand article dealer shall record the name and address of each customer, the date, time and place of the transaction and a detailed description of the article including the manufacturer serial number and model number which is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state that he or she owns the secondhand article. The secondhand article dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt or exchange of any secondhand article for not less than one year after the date of the transaction except as provided in par. (e), and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time the business is open to the public and at any other reasonable time. — ADD

3. The secondhand article dealer shall make a list available to the local law enforcement agency weekly, providing the name and address of each customer, the date, time and place of the transaction and a detailed description of the article including the manufacturer serial number and model number which was the subject of the transaction for transactions occurring the previous week. — ADD

(d) *Holding period.* 1. Except as provided in subd. 5., any secondhand article or secondhand jewelry purchased or received by a pawnbroker shall be kept on the pawnbroker's premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or secondhand jewelry recovers it.

2. Except as provided in subd. 5., any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than 10-21 days after the date of purchase or receipt. — CHANGE 10 TO 21

3. Except as provided in subd. 5., any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than 15-21 days after the date of purchase or receipt. — CHANGE 15 TO 21

4. During the period set forth in subd. 1., 2. or 3. the secondhand article or secondhand jewelry shall be held separate and apart and may not be altered in any manner. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or secondhand jewelry during this period. Within 24 hours after a written request of a law enforcement officer during this period, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available for inspection any secondhand article or secondhand jewelry which is kept off the premises for safekeeping. Any law enforcement officer who has reason to believe any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a pawnbroker, secondhand article dealer or secondhand jewelry dealer to hold that secondhand article or secondhand jewelry for a reasonable length of time which the law enforcement officer considers necessary to identify it.

5. Subdivisions 1. to 4. do not apply to any of the following:

a. A coin of the United States, any gold or silver coin or gold or silver bullion.



b. A secondhand article or secondhand jewelry consigned to a pawnbroker, secondhand article dealer or secondhand jewelry dealer.

(e) *Report to law enforcement agency.* Within 24 hours after purchasing or receiving a secondhand article or secondhand jewelry, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available, for inspection by a law enforcement officer, the original form completed under par. (c) 1. or the inventory under par. (c) 2., whichever is appropriate. Notwithstanding s. 19.35 (1), a law enforcement agency receiving the original form or inventory or a declaration of ownership may disclose it only to another law enforcement agency.

(f) *Exception for customer return or exchange.* Nothing in this subsection applies to the return or exchange, from a customer to a secondhand article dealer or secondhand jewelry dealer, of any secondhand article or secondhand jewelry purchased from the secondhand article dealer or secondhand jewelry dealer.

(9) **SECONDHAND ARTICLE DEALER MALL OR FLEA MARKET.** (a) The owner of any premises or land upon which 2 or more persons operate as secondhand article dealers may obtain a secondhand article dealer mall or flea market license for the premises or land if the following conditions are met:

1. Each secondhand article dealer occupies a separate sales location and identifies himself or herself to the public as a separate secondhand article dealer.

2. The secondhand article dealer mall or flea market is operated under one name and at one address, and is under the control of the secondhand article dealer mall or flea market license holder.

4. Each secondhand article dealer delivers to the secondhand article dealer mall or flea market license holder, at the close of business on each day that the secondhand article dealer conducts business, a record of his or her sales that includes the location at which each sale was made.

(b) The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land shall comply with sub. (8).

(10) **LICENSE REVOCATION.** A governing body of a county or municipality may revoke any license issued by it under this section for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this section or s. 943.34, 948.62 or 948.63.

(11) **FEES.** The license fees under this section are:

(a) For a pawnbroker's license, \$210.

(b) For a secondhand article dealer's license, ~~\$27.50~~ **\$210.**

CHANGE 27.50 TO 210.00

(c) For a secondhand jewelry dealer's license, \$30.

(d) For a secondhand article dealer mall or flea market license, \$165.

(12) **APPLICATIONS AND FORMS.** The department of agriculture, trade and consumer protection shall develop applications and other forms required under subs. (5) (intro.) and (8) (c). The department shall print a sufficient number of applications and forms to provide to counties and municipalities for distribution to pawnbrokers, secondhand article dealers and secondhand jewelry dealers at no cost.

(13) **PENALTY.** (a) Upon conviction for a first offense under this section, a person shall forfeit not less than \$50 nor more than \$1,000.

(b) Upon conviction for a 2nd or subsequent offense under this section, a person shall forfeit not less than \$500 nor more than \$2,000.

(14) **ORDINANCE.** A county or municipality may enact an ordinance governing pawnbrokers, secondhand article dealers or secondhand jewelry dealers if that ordinance is at least as stringent as this section.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.



State of Wisconsin  
2003 - 2004 LEGISLATURE

RmE

LRB-2912/101

RNK/.....

TODAY

gjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓  
X-refs ✓

D-Note

Gen cat

- 1 AN ACT ~~relating to~~; relating to: the regulation of pawnbrokers and secondhand article
- 2 and jewelry dealers.

**Analysis by the Legislative Reference Bureau**

Under current law, transactions involving the purchase, receipt, and exchange of certain articles (transactions) by pawnbrokers and by secondhand article dealers and secondhand jewelry dealers (secondhand dealers) are regulated by law. Pawnbrokers and secondhand dealers must have a license issued by the county or by the city, town, or village in which they operate.

Under current law, transactions relating to only certain articles require a pawnbroker or secondhand article dealer to have a license. Those articles include china, computers, electronic equipment, and small electrical appliances. This bill provides that transactions involving prerecorded video tapes or disks, audio tapes or disks, or other optical media also require a pawnbroker or secondhand article dealer to have a license.

Current law requires a pawnbroker or secondhand dealer to provide certain information on an application to obtain a license, including the applicant's name, place of birth, and residence address. This bill requires that the applicant also list all states where the applicant has previously resided.

Under current law, the governing body of a county or ~~municipality~~ <sup>a city, town, or village</sup> is required to grant a license to an applicant for a pawnbroker's or secondhand dealer's license if the applicant satisfies certain conditions. Among those conditions is that the applicant has not been convicted of a felony within the preceding 10 years or a misdemeanor within the preceding 5 years. Under this bill, the applicant may not

five

ten

obtain a license if the applicant has ever been convicted of a felony or misdemeanor. The bill also provides that even if the applicant satisfies the specified conditions, the governing body is not required to issue a license.

Current law requires secondhand article dealers to keep a written inventory for certain transactions. The secondhand article dealer must record certain information in the inventory including the name and address of each customer and the date, time, and a detailed description of the article that is the subject of the transaction. This bill provides that the inventory must also include the article's serial number and model number, if any.

Under current law, a secondhand article dealer must keep any secondhand article purchased or received by the secondhand article dealer for not less than ~~10~~ <sup>ten</sup> days after purchase or receipt. A secondhand jewelry dealer must keep any secondhand jewelry purchased or received by the secondhand jewelry dealer for not less than 15 days after purchase or receipt. This bill provides that the secondhand article or secondhand jewelry must be kept for 21 days.

This bill also requires every secondhand article dealer to prepare a list on a weekly basis that contains certain information about transactions occurring during the week for which the list was prepared. The secondhand article dealer must make this list available to the relevant law enforcement agency. officer for inspection

Under current law, the fee for a pawnbroker's license is \$210, the fee for a secondhand jewelry dealer's license is \$30, and the fee for a secondhand article dealer's license is \$27.50. This bill raises the fee for a secondhand article dealer's license to \$210.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

any

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

<sup>e and</sup> ~~134.71~~ <sup>134.71</sup> (1) (a) 12m. of the statutes is created to read:

134.71 (1) (a) 12m. Prerecorded video tapes or disks, prerecorded audio tapes or disks, ~~or~~ other prerecorded optical media.

<sup>134.71</sup> (5) (a) of the statutes is amended to read:

134.71 (5) (a) The applicant's name, place and date of birth ~~and~~ residence address, and all states where the applicant has previously resided.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

<sup>134.71</sup> (5) (c) of the statutes is amended to read:

1           134.71 (5) (c) A statement as to whether the applicant has been convicted  
2       ~~within the preceding 10 years~~ of a felony or ~~within the preceding 5 years~~ of a  
3       misdemeanor, statutory violation punishable by forfeiture or county or municipal  
4       ordinance violation in which the circumstances of the felony, misdemeanor or other  
5       offense substantially relate to the circumstances of the licensed activity and, if so,  
6       the nature and date of the offense and the penalty assessed. ✓

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

7           **SECTION 4.** 134.71 (6) of the statutes is amended to read:

8           134.71 (6) INVESTIGATION OF LICENSE APPLICANT. The law enforcement agency of  
9       the county or municipality shall investigate each applicant for a pawnbroker's,  
10      secondhand article dealer's or secondhand jewelry dealer's license to determine  
11      whether the applicant has been convicted ~~within the preceding 10 years~~ of a felony  
12      ~~or within the preceding 5 years~~ of a , misdemeanor, statutory violation punishable  
13      by forfeiture or county or municipal ordinance violation described under sub. (5) (c)  
14      and, if so, the nature and date of the offense and the penalty assessed. The law  
15      enforcement agency shall furnish the information derived from that investigation in  
16      writing to the clerk of the municipality or county.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

17          **SECTION 5.** 134.71 (7) (a) (intro.) of the statutes is amended to read:

18          134.71 (7) (a) (intro.) The governing body of the county or municipality ~~shall~~  
19          may grant the license if all of the following apply:

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

20          **SECTION 6.** 134.71 (7) (a) 1. of the statutes is amended to read:

21          134.71 (7) (a) 1. The applicant, including an individual, a partner, a member  
22          of a limited liability company or an officer, director or agent of any corporate  
23          applicant, has not been convicted ~~within the preceding 10 years~~ of a felony ~~or within~~  
24          ~~the preceding 5 years~~ of a , misdemeanor, statutory violation punishable by forfeiture

1 or county or municipal ordinance violation in which the circumstances of the felony,  
2 misdemeanor or other offense substantially relate to the circumstances of being a  
3 pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand  
4 article dealer mall or flea market owner.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

5 **SECTION 7.** 134.71 (8) (c) 1. of the statutes is amended to read:

6 134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase,  
7 receipt or exchange of any secondhand article or secondhand jewelry from a  
8 customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer  
9 shall require the customer to complete and sign, in ink, the appropriate form  
10 provided under sub. (12). No entry on such a form may be erased, mutilated or  
11 changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer  
12 shall retain an original and a duplicate of each form for not less than one year after  
13 the date of the transaction except as provided in par. (e), and during that period shall  
14 make the duplicate available to any law enforcement officer for inspection at any  
15 time that the pawnbroker's, secondhand article dealer's, or secondhand jewelry  
16 dealer's principal place of business is open to the public or at any other reasonable  
17 time.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

18 **SECTION 8.** 134.71 (8) (c) 2. of the statutes is amended to read:

19 134.71 (8) (c) 2. For every secondhand article purchased, received or exchanged  
20 by a secondhand article dealer from a customer off the secondhand article dealer's  
21 premises or consigned to the secondhand article dealer for sale on the secondhand  
22 article dealer's premises, the secondhand article dealer shall keep a written  
23 inventory. In this inventory the secondhand article dealer shall record the name and  
24 address of each customer, the date, time and place of the transaction and a detailed

1 description of the article which is the subject of the transaction, including the  
2 article's serial number and model number, if any. The customer shall sign his or her  
3 name on a declaration of ownership of the secondhand article identified in the  
4 inventory and shall state that he or she owns the secondhand article. The  
5 secondhand article dealer shall retain an original and a duplicate of each entry and  
6 declaration of ownership relating to the purchase, receipt or exchange of any  
7 secondhand article for not less than one year after the date of the transaction except  
8 as provided in par. (e), and shall make duplicates of the inventory and declarations  
9 of ownership available to any law enforcement officer for inspection at any time that  
10 the secondhand article dealer's principal place of business is open to the public or at  
11 any other reasonable time.

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

12 **SECTION 9.** 134.71 (8) (c) 3. of the statutes is created to read:

13 134.71 (8) (c) 3. Every secondhand article dealer shall prepare a list on a weekly  
14 basis that contains the name and address of each customer of the secondhand article  
15 dealer during the week for which the list was prepared, the date, time, and place of  
16 each transaction with each of those customers, and a detailed description of the  
17 secondhand article, including the secondhand article's serial number and model  
18 number, if any. The secondhand article dealer shall make the list available to <sup>any</sup> ~~the~~ law  
19 enforcement ~~agency of the county or municipality~~ <sup>officer for inspection</sup> at any time that the secondhand  
20 article dealer's principal place of business is open to the public or at any other  
21 reasonable time.

22 **SECTION 10.** 134.71 (8) (d) 2. of the statutes is amended to read:

23 134.71 (8) (d) 2. Except as provided in subd. 5., any secondhand article  
24 purchased or received by a secondhand article dealer shall be kept on the secondhand

1 article dealer's premises or other place for safekeeping for not less than ~~10~~ 21 days ✓  
2 after the date of purchase or receipt.

3 **History:** 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

3 **SECTION 11.** 134.71 (8) (d) 3. of the statutes is amended to read:

4 134.71 (8) (d) 3. Except as provided in subd. 5., any secondhand jewelry  
5 purchased or received by a secondhand jewelry dealer shall be kept on the  
6 secondhand jewelry dealer's premises or other place for safekeeping for not less than  
7 ~~15~~ 21 days after the date of purchase or receipt. ✓

8 **History:** 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

8 **SECTION 12.** 134.71 (11) (b) of the statutes is amended to read:

9 134.71 (11) (b) For a secondhand article dealer's license, ~~\$27.50~~ \$210. ✓

10 **History:** 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2912/P1dn

RNK:.....

g's

✓  
Please look closely at the description of items in s. 134.71 (1) (a) 12m., as created in this draft, to ensure that it is accurate. I have assumed that the articles that you want to include are all prerecorded items. Also, I have included "other optical media" as requested in the drafting instructions although this term seems vague to me. What other "optical media" might there be other than video tapes or disks?

Please feel free to contact me if you have any questions concerning this draft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2912/1dn  
RNK:cjs:cph

August 22, 2003

Please look closely at the description of items in s. 134.71 (1) (a) 12m., as created in this draft, to ensure that it is accurate. I have assumed that the articles that you want to include are all prerecorded items. Also, I have included "other optical media" as requested in the drafting instructions although this term seems vague to me. What other "optical media" might there be other than video tapes or disks?

Please feel free to contact me if you have any questions concerning this draft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

Per Christian in Kreseck's office

Redraft LRB-2912/1

Pg. 3 SECTION 4

change so that secondhand dealer is prohibited from getting a license if convicted of a felony within the preceding 20 yrs (currently 10) & if convicted of a misdemeanor within the preceding 10 years (currently 5)



10-17-03 (Fri)  
State of Wisconsin  
2003 - 2004 LEGISLATURE

Rmk  
2  
LRB-2912/~~1~~  
RNK:cjs:cpa  
slays

2003 BILL

SA✓

Regen  
cat.

1 AN ACT *to amend* 134.71 (5) (a), 134.71 (5) (c), 134.71 (6), 134.71 (7) (a) (intro.),  
2 134.71 (7) (a) 1., 134.71 (8) (c) 1., 134.71 (8) (c) 2., 134.71 (8) (d) 2., 134.71 (8) (d)  
3 3. and 134.71 (11) (b); and *to create* 134.71 (1) (a) 12m. and 134.71 (8) (c) 3. of  
4 the statutes; **relating to:** the regulation of pawnbrokers and secondhand  
5 article and jewelry dealers.

---

***Analysis by the Legislative Reference Bureau***

Under current law, transactions involving the purchase, receipt, and exchange of certain articles (transactions) by pawnbrokers and by secondhand article dealers and secondhand jewelry dealers (secondhand dealers) are regulated by law. Pawnbrokers and secondhand dealers must have a license issued by the county or by the city, town, or village in which they operate.

Under current law, transactions relating to only certain articles require a pawnbroker or secondhand article dealer to have a license. Those articles include china, computers, electronic equipment, and small electrical appliances. This bill provides that transactions involving prerecorded video tapes or disks, audio tapes or disks, or other optical media also require a pawnbroker or secondhand article dealer to have a license.

Current law requires a pawnbroker or secondhand dealer to provide certain information on an application to obtain a license, including the applicant's name, place of birth, and residence address. This bill requires that the applicant also list all states where the applicant has previously resided.

**BILL**

Under current law, the governing body of a county or a city, town, or village is required to grant a license to an applicant for a pawnbroker's or secondhand dealer's license if the applicant satisfies certain conditions. Among those conditions is that the applicant has not been convicted of a felony within the preceding ten years or a misdemeanor within the preceding five years. Under this bill, the applicant may not obtain a license if the applicant has ~~been~~ been convicted of a felony or misdemeanor. The bill also provides that even if the applicant satisfies the specified conditions, the governing body is not required to issue a license.

*within the preceding 20 years**within the preceding 10 years*

Current law requires secondhand article dealers to keep a written inventory for certain transactions. The secondhand article dealer must record certain information in the inventory including the name and address of each customer and the date, time, and a detailed description of the article that is the subject of the transaction. This bill provides that the inventory must also include the article's serial number and model number, if any.

Under current law, a secondhand article dealer must keep any secondhand article purchased or received by the secondhand article dealer for not less than ten days after purchase or receipt. A secondhand jewelry dealer must keep any secondhand jewelry purchased or received by the secondhand jewelry dealer for not less than 15 days after purchase or receipt. This bill provides that the secondhand article or secondhand jewelry must be kept for 21 days.

This bill also requires every secondhand article dealer to prepare a list on a weekly basis that contains certain information about transactions occurring during the week for which the list was prepared. The secondhand article dealer must make this list available to any law enforcement officer for inspection.

Under current law, the fee for a pawnbroker's license is \$210, the fee for a secondhand jewelry dealer's license is \$30, and the fee for a secondhand article dealer's license is \$27.50. This bill raises the fee for a secondhand article dealer's license to \$210.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 134.71 (1) (a) 12m. of the statutes is created to read:
- 2           134.71 (1) (a) 12m. Prerecorded video tapes or disks, prerecorded audio tapes
- 3           or disks, and other prerecorded optical media.
- 4           **SECTION 2.** 134.71 (5) (a) of the statutes is amended to read:
- 5           134.71 (5) (a) The applicant's name, place and date of birth and, residence
- 6           address, and all states where the applicant has previously resided.

**BILL**

1           **SECTION 3.** 134.71 (5) (c) of the statutes is amended to read:

2           134.71 (5) (c) A statement as to whether the applicant has been convicted  
3           <sup>no strike</sup> ~~within the preceding 10~~ <sup>20</sup> ~~years~~ <sup>no strike</sup> of a felony or <sup>no strike</sup> ~~within the preceding 5~~ <sup>10</sup> ~~years~~ <sup>no strike</sup> of a  
4           misdemeanor, statutory violation punishable by forfeiture or county or municipal  
5           ordinance violation in which the circumstances of the felony, misdemeanor or other  
6           offense substantially relate to the circumstances of the licensed activity and, if so,  
7           the nature and date of the offense and the penalty assessed.

8           **SECTION 4.** 134.71 (6) of the statutes is amended to read:

9           134.71 (6) INVESTIGATION OF LICENSE APPLICANT. The law enforcement agency of  
10          the county or municipality shall investigate each applicant for a pawnbroker's,  
11          secondhand article dealer's or secondhand jewelry dealer's license to determine  
12          whether the applicant has been convicted <sup>no strike</sup> ~~within the preceding 10~~ <sup>20</sup> ~~years~~ <sup>no strike</sup> of a felony  
13          <sup>no strike</sup> ~~or within the preceding 5~~ <sup>10</sup> ~~years~~ <sup>no strike</sup> of a misdemeanor, statutory violation punishable  
14          by forfeiture or county or municipal ordinance violation described under sub. (5) (c)  
15          and, if so, the nature and date of the offense and the penalty assessed. The law  
16          enforcement agency shall furnish the information derived from that investigation in  
17          writing to the clerk of the municipality or county.

18          **SECTION 5.** 134.71 (7) (a) (intro.) of the statutes is amended to read:

19          134.71 (7) (a) (intro.) The governing body of the county or municipality shall  
20          may grant the license if all of the following apply:

21          **SECTION 6.** 134.71 (7) (a) 1. of the statutes is amended to read:

22          134.71 (7) (a) 1. The applicant, including an individual, a partner, a member  
23          of a limited liability company or an officer, director or agent of any corporate  
24          applicant, has not been convicted <sup>no strike</sup> ~~within the preceding 10~~ <sup>20</sup> ~~years~~ <sup>no strike</sup> of a felony or <sup>no strike</sup> ~~within~~  
25          <sup>no strike</sup> ~~the preceding 5~~ <sup>10</sup> ~~years~~ <sup>no strike</sup> of a misdemeanor, statutory violation punishable by forfeiture

**BILL**

1 or county or municipal ordinance violation in which the circumstances of the felony,  
2 misdemeanor or other offense substantially relate to the circumstances of being a  
3 pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand  
4 article dealer mall or flea market owner.

5 **SECTION 7.** 134.71 (8) (c) 1. of the statutes is amended to read:

6 134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase,  
7 receipt or exchange of any secondhand article or secondhand jewelry from a  
8 customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer  
9 shall require the customer to complete and sign, in ink, the appropriate form  
10 provided under sub. (12). No entry on such a form may be erased, mutilated or  
11 changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer  
12 shall retain an original and a duplicate of each form for not less than one year after  
13 the date of the transaction except as provided in par. (e), and during that period shall  
14 make the duplicate available to any law enforcement officer for inspection at any  
15 time that the pawnbroker's, secondhand article dealer's, or secondhand jewelry  
16 dealer's principal place of business is open to the public or at any other reasonable  
17 time.

18 **SECTION 8.** 134.71 (8) (c) 2. of the statutes is amended to read:

19 134.71 (8) (c) 2. For every secondhand article purchased, received or exchanged  
20 by a secondhand article dealer from a customer off the secondhand article dealer's  
21 premises or consigned to the secondhand article dealer for sale on the secondhand  
22 article dealer's premises, the secondhand article dealer shall keep a written  
23 inventory. In this inventory the secondhand article dealer shall record the name and  
24 address of each customer, the date, time and place of the transaction and a detailed  
25 description of the article which is the subject of the transaction, including the

**BILL**

1 article's serial number and model number, if any. The customer shall sign his or her  
2 name on a declaration of ownership of the secondhand article identified in the  
3 inventory and shall state that he or she owns the secondhand article. The  
4 secondhand article dealer shall retain an original and a duplicate of each entry and  
5 declaration of ownership relating to the purchase, receipt or exchange of any  
6 secondhand article for not less than one year after the date of the transaction except  
7 as provided in par. (e), and shall make duplicates of the inventory and declarations  
8 of ownership available to any law enforcement officer for inspection at any time that  
9 the secondhand article dealer's principal place of business is open to the public or at  
10 any other reasonable time.

11 **SECTION 9.** 134.71 (8) (c) 3. of the statutes is created to read:

12 134.71 (8) (c) 3. Every secondhand article dealer shall prepare a list on a weekly  
13 basis that contains the name and address of each customer of the secondhand article  
14 dealer during the week for which the list was prepared, the date, time, and place of  
15 each transaction with each of those customers, and a detailed description of the  
16 secondhand article, including the secondhand article's serial number and model  
17 number, if any. The secondhand article dealer shall make the list available to any  
18 law enforcement officer for inspection at any time that the secondhand article  
19 dealer's principal place of business is open to the public or at any other reasonable  
20 time.

21 **SECTION 10.** 134.71 (8) (d) 2. of the statutes is amended to read:

22 134.71 (8) (d) 2. Except as provided in subd. 5., any secondhand article  
23 purchased or received by a secondhand article dealer shall be kept on the secondhand  
24 article dealer's premises or other place for safekeeping for not less than 10 21 days  
25 after the date of purchase or receipt.

# BILL

**SECTION 11.** 134.71 (8) (d) 3. of the statutes is amended to read:

134.71 (8) (d) 3. Except as provided in subd. 5., any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than ~~15~~ 21 days after the date of purchase or receipt.

**SECTION 12.** 134.71 (11) (b) of the statutes is amended to read:

134.71 (11) (b) For a secondhand article dealer's license, ~~\$27.50~~ \$210.

**(END)**



## Kite, Robin

---

**From:** Moran, Christian  
**Sent:** Wednesday, December 03, 2003 3:38 PM  
**To:** Kite, Robin  
**Subject:** LRB 2912/2 Topic: Pawnbrokers and secondhand article and jewelry dealers

Robin:

Please make the following revisions to LRB 2912/2.

- 1) Delete Section 5 (page 3, lines 20-22)
- 2) Delete Section 12 (page 6, Lines 8-9)

Thanks.

Christian  
Peggy Krusick's office  
6-1733



(500n)

State of Wisconsin  
2003 - 2004 LEGISLATURE

RmR 3  
LRB-2912/8  
RNK:cjs:pg  
T  
stays

2003 BILL

SA ✓

Reg cat.

1 AN ACT *to amend* 134.71 (5) (a), 134.71 (5) (c), 134.71 (6), 134.71 (7) (a) (intro.),  
2 134.71 (7) (a) 1., 134.71 (8) (c) 1., 134.71 (8) (c) 2., 134.71 (8) (d) 2., 134.71 (8) (d)  
3 3. and 134.71 (11) (b); and *to create* 134.71 (1) (a) 12m. and 134.71 (8) (c) 3. of  
4 the statutes; **relating to:** the regulation of pawnbrokers and secondhand  
5 article and jewelry dealers.

---

***Analysis by the Legislative Reference Bureau***

Under current law, transactions involving the purchase, receipt, and exchange of certain articles (transactions) by pawnbrokers and by secondhand article dealers and secondhand jewelry dealers (secondhand dealers) are regulated by law. Pawnbrokers and secondhand dealers must have a license issued by the county or by the city, town, or village in which they operate.

Under current law, transactions relating to only certain articles require a pawnbroker or secondhand article dealer to have a license. Those articles include china, computers, electronic equipment, and small electrical appliances. This bill provides that transactions involving prerecorded video tapes or disks, audio tapes or disks, or other optical media also require a pawnbroker or secondhand article dealer to have a license.

Current law requires a pawnbroker or secondhand dealer to provide certain information on an application to obtain a license, including the applicant's name, place of birth, and residence address. This bill requires that the applicant also list all states where the applicant has previously resided.

**BILL**

Under current law, the governing body of a county or a city, town, or village is required to grant a license to an applicant for a pawnbroker's or secondhand dealer's license if the applicant satisfies certain conditions. Among those conditions is that the applicant has not been convicted of a felony within the preceding ten years or a misdemeanor within the preceding five years. Under this bill, the applicant may not obtain a license if the applicant has been convicted of a felony within the preceding 20 years or a misdemeanor within the preceding ten years. ~~The bill also provides that even if the applicant satisfies the specified conditions, the governing body is not required to issue a license.~~

Current law requires secondhand article dealers to keep a written inventory for certain transactions. The secondhand article dealer must record certain information in the inventory including the name and address of each customer and the date, time, and a detailed description of the article that is the subject of the transaction. This bill provides that the inventory must also include the article's serial number and model number, if any.

Under current law, a secondhand article dealer must keep any secondhand article purchased or received by the secondhand article dealer for not less than ten days after purchase or receipt. A secondhand jewelry dealer must keep any secondhand jewelry purchased or received by the secondhand jewelry dealer for not less than 15 days after purchase or receipt. This bill provides that the secondhand article or secondhand jewelry must be kept for 21 days.

This bill also requires every secondhand article dealer to prepare a list on a weekly basis that contains certain information about transactions occurring during the week for which the list was prepared. The secondhand article dealer must make this list available to any law enforcement officer for inspection.

~~Under current law, the fee for a pawnbroker's license is \$210, the fee for a secondhand jewelry dealer's license is \$30, and the fee for a secondhand article dealer's license is \$27.50. This bill raises the fee for a secondhand article dealer's license to \$210.~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           SECTION 1. 134.71 (1) (a) 12m. of the statutes is created to read:
- 2           134.71 (1) (a) 12m. Prerecorded video tapes or disks, prerecorded audio tapes
- 3           or disks, and other prerecorded optical media.
- 4           SECTION 2. 134.71 (5) (a) of the statutes is amended to read:

## BILL

1 134.71 (5) (a) The applicant's name, place and date of birth and, residence  
2 address, and all states where the applicant has previously resided.

3 **SECTION 3.** 134.71 (5) (c) of the statutes is amended to read:

4 134.71 (5) (c) A statement as to whether the applicant has been convicted  
5 within the preceding ~~10~~ 20 years of a felony or within the preceding ~~5~~ 10 years of a  
6 misdemeanor, statutory violation punishable by forfeiture or county or municipal  
7 ordinance violation in which the circumstances of the felony, misdemeanor or other  
8 offense substantially relate to the circumstances of the licensed activity and, if so,  
9 the nature and date of the offense and the penalty assessed.

10 **SECTION 4.** 134.71 (6) of the statutes is amended to read:

11 134.71 (6) INVESTIGATION OF LICENSE APPLICANT. The law enforcement agency of  
12 the county or municipality shall investigate each applicant for a pawnbroker's,  
13 secondhand article dealer's or secondhand jewelry dealer's license to determine  
14 whether the applicant has been convicted within the preceding ~~10~~ 20 years of a felony  
15 or within the preceding ~~5~~ 10 years of a misdemeanor, statutory violation punishable  
16 by forfeiture or county or municipal ordinance violation described under sub. (5) (c)  
17 and, if so, the nature and date of the offense and the penalty assessed. The law  
18 enforcement agency shall furnish the information derived from that investigation in  
19 writing to the clerk of the municipality or county.

20 ~~**SECTION 5.** 134.71 (7) (a) (intro.) of the statutes is amended to read:~~

21 ~~134.71 (7) (a) (intro.) The governing body of the county or municipality shall~~  
22 ~~may grant the license if all of the following apply:~~

23 **SECTION 6.** 134.71 (7) (a) 1. of the statutes is amended to read:

24 134.71 (7) (a) 1. The applicant, including an individual, a partner, a member  
25 of a limited liability company or an officer, director or agent of any corporate

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1 applicant, has not been convicted within the preceding ~~10~~ 20 years of a felony or  
2 within the preceding ~~5~~ 10 years of a misdemeanor, statutory violation punishable by  
3 forfeiture or county or municipal ordinance violation in which the circumstances of  
4 the felony, misdemeanor or other offense substantially relate to the circumstances  
5 of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or  
6 secondhand article dealer mall or flea market owner.

7 **SECTION 7.** 134.71 (8) (c) 1. of the statutes is amended to read:

8 134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase,  
9 receipt or exchange of any secondhand article or secondhand jewelry from a  
10 customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer  
11 shall require the customer to complete and sign, in ink, the appropriate form  
12 provided under sub. (12). No entry on such a form may be erased, mutilated or  
13 changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer  
14 shall retain an original and a duplicate of each form for not less than one year after  
15 the date of the transaction except as provided in par. (e), and during that period shall  
16 make the duplicate available to any law enforcement officer for inspection at any  
17 time that the pawnbroker's, secondhand article dealer's, or secondhand jewelry  
18 dealer's principal place of business is open to the public or at any other reasonable  
19 time.

20 **SECTION 8.** 134.71 (8) (c) 2. of the statutes is amended to read:

21 134.71 (8) (c) 2. For every secondhand article purchased, received or exchanged  
22 by a secondhand article dealer from a customer off the secondhand article dealer's  
23 premises or consigned to the secondhand article dealer for sale on the secondhand  
24 article dealer's premises, the secondhand article dealer shall keep a written  
25 inventory. In this inventory the secondhand article dealer shall record the name and

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1 address of each customer, the date, time and place of the transaction and a detailed  
2 description of the article which is the subject of the transaction, including the  
3 article's serial number and model number, if any. The customer shall sign his or her  
4 name on a declaration of ownership of the secondhand article identified in the  
5 inventory and shall state that he or she owns the secondhand article. The  
6 secondhand article dealer shall retain an original and a duplicate of each entry and  
7 declaration of ownership relating to the purchase, receipt or exchange of any  
8 secondhand article for not less than one year after the date of the transaction except  
9 as provided in par. (e), and shall make duplicates of the inventory and declarations  
10 of ownership available to any law enforcement officer for inspection at any time that  
11 the secondhand article dealer's principal place of business is open to the public or at  
12 any other reasonable time. ✓

13 **SECTION 9.** 134.71 (8) (c) 3. of the statutes is created to read:

14 134.71 (8) (c) 3. Every secondhand article dealer shall prepare a list on a weekly  
15 basis that contains the name and address of each customer of the secondhand article  
16 dealer during the week for which the list was prepared, the date, time, and place of  
17 each transaction with each of those customers, and a detailed description of the  
18 secondhand article, including the secondhand article's serial number and model  
19 number, if any. The secondhand article dealer shall make the list available to any  
20 law enforcement officer for inspection at any time that the secondhand article  
21 dealer's principal place of business is open to the public or at any other reasonable  
22 time. ✓

23 **SECTION 10.** 134.71 (8) (d) 2. of the statutes is amended to read:

24 134.71 (8) (d) 2. Except as provided in subd. 5., any secondhand article  
25 purchased or received by a secondhand article dealer shall be kept on the secondhand

**BILL**

1 article dealer's premises or other place for safekeeping for not less than ~~10~~ 21 days  
2 after the date of purchase or receipt. ✓

3 **SECTION 11.** 134.71 (8) (d) 3. of the statutes is amended to read:

4 134.71 (8) (d) 3. Except as provided in subd. 5., any secondhand jewelry  
5 purchased or received by a secondhand jewelry dealer shall be kept on the  
6 secondhand jewelry dealer's premises or other place for safekeeping for not less than  
7 ~~15~~ 21 days after the date of purchase or receipt.

8 ~~SECTION 12. 134.71 (11) (b) of the statutes is amended to read:~~

9 ~~134.71 (11) (b) For a secondhand article dealer's license, \$27.50 \$210.~~ ✓

10

(END)

1-9-04

Per Christian in Krusick's office:  
wants redraft of LRB-2912

pg. 5, line 13  
require dealer to keep list for not  
less than one year





(Soon)

State of Wisconsin  
2003 - 2004 LEGISLATURE

RMR 4  
LRB-2912/8  
RNK:cjs:re  
1  
slays

2003 BILL

SA✓

Regen cat.

1 AN ACT *to amend* 134.71 (5) (a), 134.71 (5) (c), 134.71 (6), 134.71 (7) (a) 1., 134.71  
2 (8) (c) 1., 134.71 (8) (c) 2., 134.71 (8) (d) 2. and 134.71 (8) (d) 3.; and *to create*  
3 134.71 (1) (a) 12m. and 134.71 (8) (c) 3. of the statutes; **relating to:** the  
4 regulation of pawnbrokers and secondhand article and jewelry dealers.

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***Analysis by the Legislative Reference Bureau***

Under current law, transactions involving the purchase, receipt, and exchange of certain articles (transactions) by pawnbrokers and by secondhand article dealers and secondhand jewelry dealers (secondhand dealers) are regulated by law. Pawnbrokers and secondhand dealers must have a license issued by the county or by the city, town, or village in which they operate.

Under current law, transactions relating to only certain articles require a pawnbroker or secondhand article dealer to have a license. Those articles include china, computers, electronic equipment, and small electrical appliances. This bill provides that transactions involving prerecorded video tapes or disks, audio tapes or disks, or other optical media also require a pawnbroker or secondhand article dealer to have a license.

Current law requires a pawnbroker or secondhand dealer to provide certain information on an application to obtain a license, including the applicant's name, place of birth, and residence address. This bill requires that the applicant also list all states where the applicant has previously resided.

Under current law, the governing body of a county or a city, town, or village is required to grant a license to an applicant for a pawnbroker's or secondhand dealer's

**BILL**

license if the applicant satisfies certain conditions. Among those conditions is that the applicant has not been convicted of a felony within the preceding ten years or a misdemeanor within the preceding five years. Under this bill, the applicant may not obtain a license if the applicant has been convicted of a felony within the preceding 20 years or a misdemeanor within the preceding ten years.

Current law requires secondhand article dealers to keep a written inventory for certain transactions. The secondhand article dealer must record certain information in the inventory including the name and address of each customer and the date, time, and a detailed description of the article that is the subject of the transaction. This bill provides that the inventory must also include the article's serial number and model number, if any.

Under current law, a secondhand article dealer must keep any secondhand article purchased or received by the secondhand article dealer for not less than ten days after purchase or receipt. A secondhand jewelry dealer must keep any secondhand jewelry purchased or received by the secondhand jewelry dealer for not less than 15 days after purchase or receipt. This bill provides that the secondhand article or secondhand jewelry must be kept for 21 days.

This bill also requires every secondhand article dealer to prepare a list on a weekly basis that contains certain information about transactions occurring during the week for which the list was prepared. The secondhand article dealer must make this list available to any law enforcement officer for inspection.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 134.71 (1) (a) 12m. of the statutes is created to read:

2       134.71 (1) (a) 12m. Prerecorded video tapes or disks, prerecorded audio tapes  
3 or disks, and other prerecorded optical media.

4       **SECTION 2.** 134.71 (5) (a) of the statutes is amended to read:

5       134.71 (5) (a) The applicant's name, place and date of birth and, residence  
6 address, and all states where the applicant has previously resided.

7       **SECTION 3.** 134.71 (5) (c) of the statutes is amended to read:

8       134.71 (5) (c) A statement as to whether the applicant has been convicted  
9 within the preceding 10 20 years of a felony or within the preceding 5 10 years of a  
10 misdemeanor, statutory violation punishable by forfeiture or county or municipal

**BILL**

1 ordinance violation in which the circumstances of the felony, misdemeanor or other  
2 offense substantially relate to the circumstances of the licensed activity and, if so,  
3 the nature and date of the offense and the penalty assessed.

4 **SECTION 4.** 134.71 (6) of the statutes is amended to read:

5 134.71 (6) INVESTIGATION OF LICENSE APPLICANT. The law enforcement agency of  
6 the county or municipality shall investigate each applicant for a pawnbroker's,  
7 secondhand article dealer's or secondhand jewelry dealer's license to determine  
8 whether the applicant has been convicted within the preceding ~~10~~ 20 years of a felony  
9 or within the preceding ~~5~~ 10 years of a misdemeanor, statutory violation punishable  
10 by forfeiture or county or municipal ordinance violation described under sub. (5) (c)  
11 and, if so, the nature and date of the offense and the penalty assessed. The law  
12 enforcement agency shall furnish the information derived from that investigation in  
13 writing to the clerk of the municipality or county.

14 **SECTION 5.** 134.71 (7) (a) 1. of the statutes is amended to read:

15 134.71 (7) (a) 1. The applicant, including an individual, a partner, a member  
16 of a limited liability company or an officer, director or agent of any corporate  
17 applicant, has not been convicted within the preceding ~~10~~ 20 years of a felony or  
18 within the preceding ~~5~~ 10 years of a misdemeanor, statutory violation punishable by  
19 forfeiture or county or municipal ordinance violation in which the circumstances of  
20 the felony, misdemeanor or other offense substantially relate to the circumstances  
21 of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or  
22 secondhand article dealer mall or flea market owner.

23 **SECTION 6.** 134.71 (8) (c) 1. of the statutes is amended to read:

24 134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase,  
25 receipt or exchange of any secondhand article or secondhand jewelry from a

**BILL****SECTION 6**

1 customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer  
2 shall require the customer to complete and sign, in ink, the appropriate form  
3 provided under sub. (12). No entry on such a form may be erased, mutilated or  
4 changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer  
5 shall retain an original and a duplicate of each form for not less than one year after  
6 the date of the transaction except as provided in par. (e), and during that period shall  
7 make the duplicate available to any law enforcement officer for inspection at any  
8 time that the pawnbroker's, secondhand article dealer's, or secondhand jewelry  
9 dealer's principal place of business is open to the public or at any other reasonable  
10 time.

11 **SECTION 7.** 134.71 (8) (c) 2. of the statutes is amended to read:

12 134.71 (8) (c) 2. For every secondhand article purchased, received or exchanged  
13 by a secondhand article dealer from a customer off the secondhand article dealer's  
14 premises or consigned to the secondhand article dealer for sale on the secondhand  
15 article dealer's premises, the secondhand article dealer shall keep a written  
16 inventory. In this inventory the secondhand article dealer shall record the name and  
17 address of each customer, the date, time and place of the transaction and a detailed  
18 description of the article which is the subject of the transaction, including the  
19 article's serial number and model number, if any. The customer shall sign his or her  
20 name on a declaration of ownership of the secondhand article identified in the  
21 inventory and shall state that he or she owns the secondhand article. The  
22 secondhand article dealer shall retain an original and a duplicate of each entry and  
23 declaration of ownership relating to the purchase, receipt or exchange of any  
24 secondhand article for not less than one year after the date of the transaction except  
25 as provided in par. (e), and shall make duplicates of the inventory and declarations

**BILL**

1 of ownership available to any law enforcement officer for inspection at any time that  
2 the secondhand article dealer's principal place of business is open to the public or at  
3 any other reasonable time.

4 **SECTION 8.** 134.71 (8) (c) 3. of the statutes is created to read:

5 134.71 (8) (c) 3. Every secondhand article dealer shall prepare a list on a weekly  
6 basis that contains the name and address of each customer of the secondhand article  
7 dealer during the week for which the list was prepared, the date, time, and place of  
8 each transaction with each of those customers, and a detailed description of the  
9 secondhand article, including the secondhand article's serial number and model  
10 number, if any. The secondhand article dealer shall make the list available to any  
11 law enforcement officer for inspection at any time that the secondhand article  
12 dealer's principal place of business is open to the public or at any other reasonable  
13 time.

14 **SECTION 9.** 134.71 (8) (d) 2. of the statutes is amended to read:

15 134.71 (8) (d) 2. Except as provided in subd. 5., any secondhand article  
16 purchased or received by a secondhand article dealer shall be kept on the secondhand  
17 article dealer's premises or other place for safekeeping for not less than ~~10~~ 21 days  
18 after the date of purchase or receipt.

19 **SECTION 10.** 134.71 (8) (d) 3. of the statutes is amended to read:

20 134.71 (8) (d) 3. Except as provided in subd. 5., any secondhand jewelry  
21 purchased or received by a secondhand jewelry dealer shall be kept on the  
22 secondhand jewelry dealer's premises or other place for safekeeping for not less than  
23 ~~15~~ 21 days after the date of purchase or receipt.

24 (END)

The secondhand article dealer shall retain the list for not less than one year after the date on which the list was prepared.

**Emery, Lynn**

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**From:** Moran, Christian  
**Sent:** Wednesday, January 21, 2004 1:14 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2912/4 Topic: Pawnbrokers and secondhand article and jewelry dealers

It has been requested by <Moran, Christian> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2912/4 Topic: Pawnbrokers and secondhand article and jewelry dealers